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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,910	07/11/2005	Alexandre Cotarmanach	F40.12-0028	6776
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EXAMINER				
CHOKSHI, PINKAL R				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,910

Applicant(s)

COTARMANACH, ALEXANDRE

Examiner

PINKAL CHOKSHI

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 05/21/2008 have been fully considered but they are not persuasive. Applicant asserts that Okura does not disclose pointers, but only labels/sequence numbers for stream units. Examiner disagrees. Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further discloses (§0029) that when the scene does not have a successive sequence number, system determines that there is an abnormality. Inherently, numbers are pointers which points at the previous numbers. For example, if the scene is missing a sequence number/pointer then the system requests re-transmission of the scene based on the missing sequence number/pointer as represented in Fig. 9. The rejection is maintained. With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary reference does not cure the deficiencies of Okura, nevertheless it is the Examiner's contention that Okura does not contain any deficiencies. See the rejection below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. The claimed invention does not fall

within at least one of four categories of patent eligible subject matter recited in 35 U.S.C. 101 above. Claim 17 is claiming a stream of data or signal per se.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-21** are rejected under 35 U.S.C. 102(b) as being anticipated by US Publication 2001/0027468 A1 to Okura ET al (hereafter referenced as Okura).

Regarding **claim 1**, “procedure for the transmission of at least one data stream to at least one terminal” reads on the transmission system that transmits streams to reception device (§0008) disclosed by Okura and represented in Fig.

1. As to “said stream or streams are organised in stream units” Okura discloses (§0111) that the check unit determines based on the streams received from decoder whether a packet has been received as represented in Fig. 5. As to “wherein at least some of said stream units include at least one pointer that points to at least one stream unit of said stream or of another stream that may have been received previously in the terminal, called the required previous unit” Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further discloses (§0029) that when the scene does not have a successive

sequence number, system determines that there is an abnormality. As to “the processing of said stream unit is not performed in said terminal if the required previous unit or units have not been received” Okura discloses (§0024) that control unit, based on the scene description information, determines whether to process the stream. Okura further discloses (§0129) that the system determines if the data is missing, and then it reads data from storage portion. Okura further discloses (§0010, §0029, and §0113) that program file is not allowed to have data missing and it must be fully received by receiving side. If the check unit determines that sequence numbers are not in order then it means a packet is missing.

Regarding **claim 2**, “transmission procedure wherein the procedure includes the transmission of at least two data streams that are transmitted independently” Okura discloses (§0008) that the multiple data packets are multiplexed together transmitted to receiving device.

As to “one stream unit of a first stream pointing to at least one required previous unit of at least a second stream, in which said stream unit of the first stream includes enrichment data of the data contained in the second stream(s)” Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further discloses (§0024) that control unit, based on the scene description

information previously provided in the stream, determines whether to process the stream.

Regarding **claim 3**, "transmission procedure wherein said data streams correspond to different hierarchical levels of hierarchical encoding, the processing of a stream unit of a given hierarchical level is only performed if the stream units of the corresponding lower hierarchical levels have been received" Okura discloses (§§0037 and §§0098) that the scene composition portion determines that the scene is received and only then new scene data is to be transmitted.

Regarding **claim 4**, "transmission procedure wherein this stream unit points to at least one previous unit defining a sequence of required previous units" Okura discloses (§§0125) that each packet header (stream) has a sequence number which has a successive value for packet. Based on the sequence number, the system defines the previous streams related to the packets.

Regarding **claim 5**, "transmission procedure wherein at least one of said pointers allows recovering at least one required previous unit that includes the data allowing decoding and/or decrypting of the considered stream unit" Okura discloses (§§0123) that the multiplexer outputs streams to decoder which decodes the packet.

Regarding **claim 6**, “transmission procedure wherein said required previous unit or units include data that allows a terminal to decide whether the data of a considered stream unit must be decoded and/or decrypted, and then displayed after decoding” Okura discloses (§0151) that the portion determines if the data is missing, if it is then storage portions uses its stored data to generate data to decoder and then displayed.

Regarding **claim 7**, “transmission procedure wherein at least one of said pointers point to data that can be known by said terminal, so that the latter can decide on its capacity or incapacity to process the corresponding stream unit” Okura discloses (§0026) that the transmission system that transmits control information pointing the object data and scene information with each other, where process portion unit determines whether to use the default scene information to modify corresponding stream information for output.

Regarding **claim 8**, “transmission procedure wherein at least one of said stream units includes at least one pointer pointing to at least one stream unit of said stream or another stream that may be subsequently received” Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further

discloses (§0029) that when the scene does not have a subsequent sequence number, system determines that there is an abnormality.

Regarding **claim 9**, “transmission procedure wherein said stream unit or units that can be subsequently received posses a marker that allows linking with said pointer(s)” Okura discloses (§0164) that the data packet in transmission system has a time stamp information and based on this information, a correspondence between video, audio and other data are uniquely determined.

Regarding **claim 10**, “transmission procedure wherein the pointers of at least two similar stream units transmitted at distinct times point to the same stream unit that can be subsequently received” Okura discloses (§0008) that the multiple streams are transmitted via different routes and protocols to receiving device.

Regarding **claim 11**, “transmission procedure wherein the procedure implements an indicator that specifies the role of the pointer(s) from among two of the roles belonging to the groups that include: Designation of at least one previous stream unit that must be decoded to allow taking into account the considered stream unit” Okura discloses (§0151) that the checking portion uses the data as well as previous data associated with the stream from the storage

portions to generate this data to decoder which decodes it and then displayed on device.

As to “designation of at least one previous stream unit that includes the data necessary for decoding and/or decrypting the considered stream unit, and/or of a reference to a status of the protection system” Okura discloses (§0123) that the multiplexer outputs all streams to decoder which decodes the packet.

As to “designation of at least one subsequent stream unit” Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further discloses (§0029) that when the scene does not have a subsequent sequence number, system determines that there is an abnormality.

Regarding **claim 12**, “transmission procedure wherein at least some of said stream units include a dependency descriptor, which defines said role” Okura discloses (§0006) that the scene description and streams are associated with each other by an object descriptor to control information.

Regarding **claim 13**, “transmission procedure wherein at least some of said stream units include a dependency marker that allows its identification as a required previous unit” Okura discloses (§0120) that based on the ID assigned to the stream, it identifies and refers data related to the stream.

Regarding **claim 14**, "transmission procedure wherein at least some of said stream units include an identification marker of said stream unit in said stream" Okura discloses (§0119 and §0120) that the elementary stream, that transmits from transmission system to reception system, is assigned an identification to identify the stream.

Regarding **claim 15**, "transmission procedure wherein the procedure is implemented at the synchronization level so that no previous processing of a received stream unit is necessary" Okura discloses (§0156) that the data stream and the related data stream are synchronized with each other based on the time stamp.

Regarding **claim 16**, "a stream of data transmitted according to the transmission procedure" Okura discloses (§0007) that the stream of data is delivered from a transmitting side to receiving side.

Regarding **claim 17**, "a stream of data transmitted to and/or received from at least one terminal" reads on the transmission system that transmits streams to reception device (§0008) disclosed by Okura and represented in Fig. 1. As to "organised in stream units transmitted independently one from the other" Okura discloses (§0111) that the check unit determines based on the streams received

from decoder whether a packet has been received as represented in Fig. 5. As to “wherein at least some of said stream units include at least one pointer that points to at least one stream unit of said stream or another stream that may have been received previously in a terminal, called a required previous unit” Okura discloses (§10125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further discloses (§10029) that when the scene does not have a successive sequence number, system determines that there is an abnormality. As to “the processing of said stream unit is not performed in said terminal if the required previous unit has not been received” Okura discloses (§10024) that control unit, based on the scene description information, determines whether to process the stream. Okura further discloses (§10129) that the system determines if the data is missing, and then it reads data from storage portion. Okura further discloses (§10010, §10029, and §10113) that program file is not allowed to have data missing and it must be fully received by receiving side. If the check unit determines that sequence numbers are not in order then it means a packet is missing.

Regarding **claim 18**, “a server for data designed to be transmitted to at least one terminal” reads on the transmission system that transmits streams to reception device (§10008) disclosed by Okura and represented in Fig. 1. As to “the form of at least one data stream organised in stream units transmitted independently from each other” Okura discloses (§10111) that the check unit

determines based on the streams received from decoder whether a packet has been received as represented in Fig. 5. As to "wherein at least some of said stream units include at least one pointer that points to at least one stream unit of said stream or another stream that may have been received previously in a terminal, called a required previous unit" Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further discloses (§0029) that when the scene does not have a successive sequence number, system determines that there is an abnormality.

Regarding **claim 19**, "a terminal that can receive at least one data stream" reads on the transmission system that transmits streams to reception device (§0008) disclosed by Okura and represented in Fig. 1. As to "data stream organised in stream units transmitted independently from each other" Okura discloses (§0111) that the check unit determines based on the streams received from decoder whether a packet has been received as represented in Fig. 5. As to "wherein at least some of said stream units include at least one pointer that points to at least one stream unit of said stream or another stream that may have been received previously in a terminal, called required previous unit" Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further

discloses (§0029) that when the scene does not have a successive sequence number, system determines that there is an abnormality.

Regarding **claim 20**, "a reception procedure of at least one data stream organised in stream units, transmitted independently from each other" reads on the transmission system that transmits streams to reception device (§0008) disclosed by Okura and represented in Fig. 1. Okura further discloses (§0111) that the check unit determines based on the streams received from decoder whether a packet has been received as represented in Fig. 5. As to "wherein at least some of these stream units include at least one pointer that points to at least one stream unit of said stream or another stream that may have been received previously in a terminal, called required previous unit" Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for packet. Okura further discloses (§0029) that when the scene does not have a successive sequence number, system determines that there is an abnormality.

Regarding **claim 21**, "reception procedure characterised in that at least one of said pointers points to at least one stream unit of said stream or another stream that may have been received previously in a terminal, called required previous unit" Okura discloses (§0125) that the packet header (stream) has a sequence number and each sequence number has a successive value for

packet. Okura further discloses (§0029) that when the scene does not have a successive sequence number, system determines that there is an abnormality.

As to "it includes the following stages: analysing said pointer(s) of a stream unit and processing said stream unit if the required previous unit or units are received" Okura discloses (§0023) that the control system analyzes and resolves the error which controls the process portion to scene information to resolve the error and process the streams.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2001/0027468 A1 to Okura ET al (hereafter referenced as Okura) in view of US Patent 6,606,329 B1 to Herrmann ET al (hereafter referenced as Herrmann).

Regarding **claim 22**, "the transmission procedure comprising a step of using said transmission procedure in one of the applications belonging to the group consisting of: systematic broadcasting of a message before accessing a program selected by the user" Okura discloses (§0068) that the transmission system such as head-end provides audio/video programs to user at reception device as represented in Fig. 1 (elements 10, 20).

Okura meets all the limitations of the claim except "conditional access at a specific quality level and/or at a specific option of a program and interactive television." However, Herrmann discloses (col.1, line 61-col.2, line 6) that the TransMux layer includes a protection and a multiplexing sublayer which communicates with network or storage device to deliver requested quality level. Herrmann further discloses (col.1, lines 29-32) that user interacts with the television after the audio/video data has been processed as represented in Fig. 2. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to provide the quality level of a program as taught by Herrmann so the user can interact with television to receive detailed information about the program that he/she is viewing.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/
/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2623